

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	
	)	
GLENN JEFFREY DACRUZ,	)	CASE NO.: 22-59731-PMB
	)	
DEBTOR.	)	CHAPTER 13
	)	
-----	)	JUDGE PAUL BAISIER
	)	
MELISSA J. DAVEY,	)	
STANDING CHAPTER 13 TRUSTEE,	)	
Movant,	)	
	)	
v.	)	CONTESTED MATTER
	)	
GLENN JEFFREY DACRUZ,	)	
Respondent.	)	
	)	
-----	)	

**CHAPTER 13 TRUSTEE'S  
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

Melissa J. Davey, Chapter 13 Trustee, objects to confirmation of the plan and moves to dismiss this case pursuant to 11 U.S.C. Section 1307(c) for the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
3. The Debtor has failed to provide the Trustee with a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i). As the Debtor has failed to submit the last filed tax return to the Trustee prior to the meeting of creditors, the Trustee requires a sworn statement by the Debtor, in addition to the tax return, that the tax return provided is a true copy of the most recent tax return filed.

4. The Trustee requests proof that Debtor has made all required domestic support obligation payments of \$5,000.00 per month prior to confirmation. 11 U.S.C. Sections 1307(c)(11), 1325(a)(6) and 1325(a)(8).

5. According to testimony at the Section 341 Meeting of Creditors, Schedules I and J do not reflect Debtor's current income and expenses and should be amended. Specifically, Debtor started a new job on December 3, 2022 at Cuts Restaurant making \$1,200.00 per month. The Trustee requests proof of income from the new employment in order to evaluate whether the Plan complies with 11 U.S.C. Sections 1325(a)(6) and 1325(b)(1)(B).

6. Due to a change in circumstances since filing, Schedules I and J do not correctly reflect the current financial situation, preventing the Trustee from evaluating feasibility. 11 U.S.C. Section 1325(a)(6). Pursuant to Debtor's testimony, as of December 23, 2022 he is no longer employed by Nityo Infotech Corp., as such, the case does not appear feasible as proposed.

Wherefore, the Trustee moves this Honorable Court to consider the above objections at the confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case pursuant to 11 U.S.C. Section 1307(c), and for such other and further relief that this Court deems just and proper.

Dated: January 09, 2023

/s/Delaycee Rowland

Delaycee Rowland

Attorney for the Chapter 13 Trustee

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DEBTOR.	)	JUDGE PAUL BAISIER
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-----	)	

**CERTIFICATE OF SERVICE**

I certify that on this day I caused a copy of this Chapter 13 Chapter 13 Trustee's Objection to Confirmation & Motion to Dismiss to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

GLENN JEFFREY DACRUZ  
2108 WOODRION DRIVE  
DULUTH, GA 30097

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Objection to Confirmation & Motion to Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

**Attorney for the Debtor(s):**

LAW OFFICES OF CHARLES CLAPP, LLC

Dated: January 09, 2023

/s/Delaycee Rowland

Delaycee Rowland

Attorney for the Chapter 13 Trustee

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